

# House Study Bill 677

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL BY  
CHAIRPERSON UPMEYER)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the criminal and abuse registry checks  
2 required of a person employed by a licensed health care  
3 facility.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 6428HC 81  
6 jp/je/5

PAG LIN

1 1 Section 1. Section 135C.33, subsection 4, Code 2005, is  
1 2 amended to read as follows:  
1 3 4. a. Except as provided in paragraph "b", a person who  
1 4 has committed a crime or has a record of founded child or  
1 5 dependent adult abuse shall not be employed in a facility  
1 6 licensed under this chapter unless an evaluation has been  
1 7 performed by the department of human services. If the  
1 8 department of human services determines from the evaluation  
1 9 that the person has committed a crime or has a record of  
1 10 founded child or dependent adult abuse which warrants  
1 11 prohibition of employment, the person shall not be employed in  
1 12 a facility licensed under this chapter.  
1 13 b. A person with a criminal or abuse record who is  
1 14 employed by a facility licensed under this chapter and is  
1 15 hired by another licensee without a lapse in employment shall  
1 16 be subject to the criminal history and abuse record checks  
1 17 required pursuant to subsection 1. If an evaluation was  
1 18 previously performed by the department of human services  
1 19 concerning the person's criminal or abuse record and it was  
1 20 determined that the record did not warrant prohibition of the  
1 21 person's employment and the latest record checks do not  
1 22 indicate a crime was committed or founded abuse record was  
1 23 entered subsequent to that evaluation, the person may commence  
1 24 employment with the other licensee while the department of  
1 25 human services' evaluation of the latest record checks is  
1 26 pending. Otherwise, the requirements of paragraph "a" remain  
1 27 applicable to the person's employment.

1 28 EXPLANATION  
1 29 This bill relates to the criminal and abuse registry checks  
1 30 required of a person employed by a licensed health care  
1 31 facility in accordance with Code section 135C.33. A health  
1 32 care facility is defined by Code section 135C.1 as a  
1 33 residential care facility, a nursing facility, an intermediate  
1 34 care facility for persons with mental illness, or an  
1 35 intermediate care facility for persons with mental

2 1 retardation.  
2 2 The bill provides an exception to an existing requirement  
2 3 that a person employed by a licensed health care facility who  
2 4 has a criminal record or a record of founded dependent adult  
2 5 and child abuse cannot be employed by a health care facility  
2 6 unless the department of human services performs an evaluation  
2 7 to determine whether prohibition of the person's employment is  
2 8 warranted. The bill's exception applies only if a person  
2 9 employed by a licensed health care facility is hired by  
2 10 another licensee without a lapse in employment and was  
2 11 previously subject to an evaluation that determined that  
2 12 prohibition of the person's employment was not warranted. If  
2 13 the latest record checks do not indicate a crime was committed  
2 14 or founded abuse record was entered subsequent to that  
2 15 evaluation, the person may commence employment with the other  
2 16 licensee while the department of human services' evaluation of  
2 17 the new record checks is pending.

2 18 LSB 6428HC 81  
2 19 jp:nh/je/5